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HUMAN RIGHTS COMMITTEE

Forty-first session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1038th MEETING

Held at Headquarters, New York,
on Monday, 25 March 1991, at 3 p.m.

Chairman: Mr. POCAR

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* The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.1038/Add.1.

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The meeting was called to order at 3.25 p.m.

ORGANIZATIONAL AND OTHER MATTERS (continued)

List of issues to be taken up in connection with the consideration of the second periodic report of Panama (CCPR/C/42/Add.7 and Add.11)

Section I

1. Mr. PRADO VALLEJO said that following the inauguration of the new Government in Panama additional human rights legislation had been enacted. Accordingly, the Committee might wish to include a further question in a new section I (e) requesting details of that legislation.

2. Mr. EL-SHAFEI said that section I (d) appeared to cover the point already, although he would have no objection to the inclusion of additional questions.

3. The CHAIRMAN said that there would be no difficulty in incorporating a further question in a new section I (e). If Mr. Prado Vallejo had information concerning specific legislation, questions could be put under the various sections of the list.

4. Ms. CHANET said that she would prefer specific points to be included under each section, since a general reference would not be in accordance with the Committee's practice.

5. Mr. PRADO VALLEJO agreed that specific questions could be raised under each section; he would make specific proposals at the appropriate time.

6. Section I was adopted.

Section II

7. Mr. SADI expressed the hope that the questions included under section II would be put to all countries and not just Panama, and that the section would be expanded to refer to areas other than Palestine and South Africa.

8. The CHAIRMAN pointed out that the Committee was dealing with the second periodic report of Panama, and should take up those issues which were not adequately covered by the report.

9. Mr. AGUILAR said that section II dealt only with South Africa and Palestine since other peoples had been dealt with in the first periodic report.

10. Mr. SADI said that the Committee seemed to be taking a somewhat narrow approach; self-determination was an issue which also arose in the context of undemocratic national governments. Section II should embrace all systems of government which did not satisfy minimum standards of democracy. The Committee should bear in mind that many peoples had self-rule, but still did not enjoy democracy.

11. Mr. LALLAH said that when a State was reporting to the Committee for the second or third time the Committee's files already contained an analysis of the principal questions of concern. The Committee was now concerned with following up on issues which had been raised at previous sessions. With regard to general questions of democracy, the Committee would recall that Panama had recently held elections. Nevertheless, members could, of course, raise questions of concern to them.

12. Section II was adopted.

Section III

13. Mr. PRADO VALLEJO, referring to section III (b), said that he wished to raise the question of whether the Government of Panama had adopted general measures relating to confiscation since the preparation of the report.

14. Ms. CHANET said that the second periodic report of Panama referred to the question of confiscation, but that further explanations should be sought. The Committee might wish to raise other questions relating to property, in addition to that of confiscation.

15. The CHAIRMAN said that section III would be amended as requested.

16. Section III was adopted.

Section IV

17. Section IV was adopted.

Section V

18. Mr. PRADO VALLEJO said that the Committee must raise the question of whether the police authorities were able to maintain public order and guarantee civil rights.

19. The CHAIRMAN said that it would be unusual to raise such an issue with a State party.

20. Mr. PRADO VALLEJO pointed out that the reports before the Committee were not up to date, given which the Government would need to make additional information available to the Committee.

21. The CHAIRMAN said that the issue might be covered by asking about the role of the police force in maintaining public order.

22. Mr. AGUILAR said that the issue of whether various groups should be allowed to run their own police forces had been raised in Panama and it had also been raised in the Working Group on article 40 of the Covenant. The question had not been

(Mr. Aguilar)

included in the list in view of the Committee's tradition of putting questions on the basis of reports. Nevertheless, members were free to raise additional questions.

23. Ms. CHANET said that the matter appeared to be covered under section V (a). The Committee could ask how the authorities in Panama exercised control over the police force.

24. Mr. PRADO VALLEJO said that he would prefer to leave the matter open and to raise the questions directly with the delegation.

25. The CHAIRMAN said that since the Committee had decided not to include a question concerning AIDS in the case of Sweden, it should consider whether it wished to delete section V (e).

26. Mr. NDIAYE said that section V (e) was important since those suffering from AIDS could be subjected to restrictions. Accordingly, it should be retained on the list of issues.

27. Mr. AGUILAR agreed, noting that a recent Pan-American Health Organization report had indicated a disproportionate number of cases of AIDS in Panama.

28. Section V was adopted.

Section VI

29. Mr. PRADO VALLEJO said that he wished to raise the question of safe conduct in respect of asylum seekers in diplomatic missions, some of which had become virtual prisons.

30. The CHAIRMAN suggested that the question should be put orally.

31. Section VI was adopted.

Sections VII to X

32. Sections VII to X were adopted.

Section XI

33. Mr. PRADO VALLEJO said that it would be of interest to know whether any measures had been taken recently to restrict freedom of expression.

34. The CHAIRMAN said that the Committee could hardly ask a State party if it had adopted measures violating the Convention.

35. Mr. PRADO VALLEJO said that the question might be phrased in terms of whether freedom of expression was fully protected in Panama.

36. The CHAIRMAN said that the issue appeared to be covered under paragraph (c) of section XI.

37. Ms. CHANET said that it was up to the Committee, to determine whether freedom of expression was adequately protected. States parties could not be expected to do the Committee's work for it. The reality of the situation must be determined by raising specific questions.

38. Section XI was adopted.

Sections XII and XIII

39. Sections XII and XIII were adopted.

LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE SECOND PERIODIC REPORT OF SRI LANKA (CCPR/C/42/Add.9)

Sections I through XI

40. Sections I through XI were adopted.

Section XII

41. Mr. LALLAH said that the reference to "equitable access of members of minority groups and of the various political parties to public service" in section XII was misleading because, under the Constitution of Sri Lanka, the civil service was politically independent and members of political parties could not belong to it. He therefore suggested the substitution of a formulation along the lines of "members of minority groups and of persons generally without any discrimination on the grounds of political opinion".

42. Section XII, as orally amended, was adopted.

Section XIII

43. Section XIII was adopted.

44. Mr. EL-SHAFEI noted that at its current session, the Committee had for the first time designated rapporteurs to assist in the process of preparing the draft lists of issues on the reports submitted to the Committee. He would appreciate an opportunity, at a later stage, for members to exchange views on that new procedure, since it represented a process that could enhance the effectiveness of the Committee's work.

45. Mr. SADI asked for clarification of the status of the replies received to the questions in the lists of issues. He wondered whether the replies were taken at face value, or whether further corroboration was necessary.

46. The CHAIRMAN said that the replies were subject to evaluation by the Committee members and that each member was entitled to request oral clarification of the written replies received. Following consideration of the periodic reports, Committee members would have an opportunity to make general comments on the replies received in terms of whether or not they addressed the Committee's concerns.

The public meeting rose at 4.15 p.m.